

By the Committee on Regulated Industries; and Senator Constantine

580-1834-05

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A bill to be entitled
An act relating to gambling; amending s.
849.161, F.S.; prohibiting arcade amusement
centers from exchanging points or coupons
accumulated by customers for tobacco products,
alcoholic beverages, or cash; correcting a
cross-reference; providing powers of local
government regarding arcade amusement centers;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.--

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin and which, by application of skill, may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash, ~~and~~ alcoholic beverages, tobacco products, or coupons redeemable for cash, alcoholic beverages, or tobacco products, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement

1 | games or machines which operate by means of the insertion of a
2 | coin or other currency and which by application of skill may
3 | entitle the person playing or operating the game or machine to
4 | receive points or coupons which may be exchanged for
5 | merchandise limited to noncash prizes, toys, novelties, and
6 | Florida Lottery products, excluding alcoholic beverages,
7 | provided the cost value of the merchandise or prize awarded in
8 | exchange for such points or coupons does not exceed 75 cents
9 | on any game played. This subparagraph applies only to games
10 | and machines which are operated for the entertainment of the
11 | general public and tourists as bona fide amusement games or
12 | machines. This subsection shall not apply, however, to any
13 | game or device defined as a gambling device in 15 U.S.C. s.
14 | 1171 ~~24 U.S.C. s. 1171~~, which requires identification of each
15 | device by permanently affixing seriatim numbering and name,
16 | trade name, and date of manufacture under s. 1173, and
17 | registration with the United States Attorney General, unless
18 | excluded from applicability of the chapter under s. 1178.
19 | This subsection shall not be construed to authorize video
20 | poker games or any other game or machine that may be construed
21 | as a gambling device under Florida law.

22 | (b) Nothing in this subsection shall be taken or
23 | construed as applicable to a coin-operated game or device
24 | designed and manufactured only for bona fide amusement
25 | purposes, which game or device may, by application of skill,
26 | entitle the player to replay the game or device at no
27 | additional cost, if the game or device: can accumulate and
28 | react to no more than 15 free replays; can be discharged of
29 | accumulated free replays only by reactivating the game or
30 | device for one additional play for such accumulated free
31 | replay; can make no permanent record, directly or indirectly,

1 of free replays; and is not classified by the United States as
2 a gambling device in 15 U.S.C. s. 1171 ~~24 U.S.C. s. 1171~~,
3 which requires identification of each device by permanently
4 affixing seriatim numbering and name, trade name, and date of
5 manufacture under s. 1173, and registration with the United
6 States Attorney General, unless excluded from applicability of
7 the chapter under s. 1178. This subsection may ~~shall~~ not be
8 construed to authorize video poker games, or any other game or
9 machine that may be construed as a gambling device under
10 Florida law.

11 (c)1. Nothing contained in this subsection with
12 respect to arcade amusement centers shall be taken or
13 construed to abrogate or limit the power of a local government
14 to establish or amend the zoning map designation of a parcel
15 or parcels of land or change the actual list of permitted,
16 conditional, or prohibited uses within a zoning category, and
17 any local government may exercise such a power as provided by
18 law.

19 2. In addition and supplemental to any other authority
20 under law, the legislative and governing body of a county or
21 municipality shall have the power and authority to limit the
22 number of hours of operation of arcade amusement centers and
23 may also limit the number of machines allowed in such centers.

24 (2) The term "arcade amusement center" as used in this
25 section means a place of business having at least 50
26 coin-operated amusement games or machines on premises which
27 are operated for the entertainment of the general public and
28 tourists as a bona fide amusement facility.

29 Section 2. This act shall take effect July 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 234
4 The committee substitute deletes provisions that amusement
5 games or machines are not proscribed by s. 849.15, F.S., and
6 which operate solely by application of skill.
7 The committee substitute deletes the provisions in s.
8 849.161(3), F.S., that prohibited a game or machine that may
9 be construed as a gambling device under state law, including
10 video poker games or a game, or a device that resembles a
11 gambling device as defined in 15. U.S.C. 1171.
12 The committee substitute creates s. 849.161(1)(c) to provide
13 that local governments maintain zoning authority with respect
14 to arcade amusement centers and that the legislative and
15 governing body of a county or municipality shall have the
16 power and authority to limit the number of hours of operation
17 of arcade amusement centers and may also limit the number of
18 machines allowed in such centers.
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